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December 5, 2023

District Judge Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: 1:23-cv-08866-VEC  
Davis v. Schwan's Consumer Brands, Inc.

Dear District Judge Caproni:

This office, along with co-counsel, represents the Plaintiff. In accordance with the Court's Individual Rules, Plaintiff requests to adjourn the initial status conference is currently scheduled for December 15, 2023, at 10:00 AM until January 26, 2024, at 10:00 AM with accompanying submissions due by January 18, 2024.

This action was filed on October 9, 2023. ECF No. 1. The original date by which service is required to be proved to the Court is January 8, 2024. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

Plaintiff expects Defendant to waive service of process in accordance with the Federal Rules. The waiver of service will allow Defendant and any attorneys additional time to become familiar with the action and will result in the conservation of judicial resources. Fed. R. Civ. P. 4(d)(4).

There have been no previous requests for an adjournment of the initial conference and extension of time to file the accompanying submissions. Defendant has not appeared and therefore this request is without their consent. This request does not affect any other dates. This request is submitted at least 48 hours prior to the initial conference. Thank you.

Respectfully submitted,

/s/Spencer Sheehan

Application GRANTED. The IPTC is adjourned from Friday, December 15, 2023, at 10:00 A.M. to **Friday, January 26, 2024, at 10:00 A.M.** The deadline for the parties to submit a joint letter, containing the information outlined in the Court's Order at Dkt. 5, and proposed case management plan is extended from Thursday, December 7, 2023, to **Thursday, January 18, 2023.**

SO ORDERED.



12/5/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE